

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LAWRENCE DIXON §
VS. § CIVIL ACTION NO. 9:21-CV-130
WARDEN JOHN MCDANIAL, *et al.*, §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Lawrence Dixon, an inmate currently incarcerated at the Lynchner Jail in Humble, Texas, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants Warden John McDanial, Security Guard Husband, Hodge Unit Prison Administration, and Audrey A. England.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1331(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1331 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff's complaint pertains to his treatment while incarcerated at the Hodge Unit. The Hodge Unit is located in the Eastern District of Texas, Tyler Division. It is clear that all of the

events or omissions giving rise to his claims occurred in the Eastern District of Texas, Tyler Division. Venue, therefore, is not proper in the Eastern District of Texas, Lufkin Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Plaintiff’s claims should be transferred to the Eastern District of Texas, Tyler Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 17th day of September, 2021.



Christine L Stetson
UNITED STATES MAGISTRATE JUDGE